

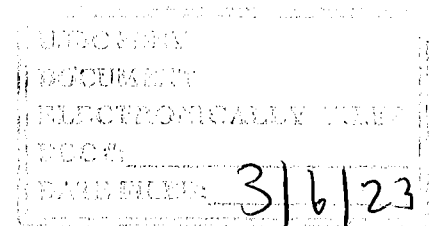
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA,

v.

HIBAH LEE,

Defendant.
-----X



ORDER

19 CR 424 (VB)
Copies Mailed Filed
Chambers of Vincent L. Briccetti

3/6/23
DH

By motion dated February 28, 2023, defendant Hibah Lee seeks a reduction of sentence pursuant to 18 U.S.C. § 3582(c)(1)(A)(i).

The government is directed to file a response to the motion by March 27, 2023. The government's response shall address the issue of exhaustion as well as the merits of the motion.

If defendant wishes to file a reply to the government's submission, he shall do so by no later than April 17, 2023.

Defendant has also requested appointment of counsel, which is denied without prejudice as unwarranted. "[A] defendant filing a compassionate release motion [under 18 U.S.C. § 3582(c)(1)(A)] . . . has no constitutional or statutory right to the assistance of counsel." United States v. Fleming, 5 F.4th 189, 192 (2d Cir. 2021). "The appointment of [Criminal Justice Act] counsel at this stage rests in the court's sole discretion." Id. at 194 n.4. Here, defendant has submitted a detailed motion, including attachments, and the issues presented by the motion are not complex. Accordingly, the Court sees no reason to appoint counsel at this time.

The Court will file under the seal the medical records and proposed release plan attached to defendant's motion.

Chambers will mail a copy of this Order to defendant at the following addresses:

Hibah Lee, Reg. No. 56719-054
FCI Hazelton
Federal Correctional Institution
P.O. Box 5000
Bruceton Mills, WV 26525

Dated: March 6, 2023
White Plains, NY

SO ORDERED:

Vincent L. Briccetti
United States District Judge